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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,652	04/18/2005	Shinya Sugiyama	37122	2287
116 7590 01/30/2007 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			EXAMINER MEHRPOUR, NAGHMEH	
			ART UNIT	PAPER NUMBER
			2617	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/30/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/511,652

Applicant(s)

SUGIYAMA ET AL.

Examiner

Naghmeh Mehrpour

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 26 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Transitional After Final Practice*

1. The finality of the previous Office action is hereby withdrawn pursuant to 37 CFR 1.129(a). Applicant's response submission after final filed on 12/26/06 has been entered.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1, 3, 5-8**, are rejected under 35 U.S.C. 102(e) as being anticipated by Kishimoto et al. (US patent 7,016, 703).

Regarding claim 1, Kishimoto teaches an electronic apparatus comprising:

a first casing and a second casing which are foldable to each other along a bearing portion (see figure 1, col 6 lines 48-67);

wherein a front face and back face of one of the first casing and the second casing are formed with respective sound emission holes that are aligned with to each other ((see figure 1, col 6 lines 48-67); and

wherein a speaker is provide at a position corresponding to the sound emission holes, and further wherein a front face of the other of the first casing and the second casing is formed with a through hole that is aligned with the sound emission holes in a state that the first casing and the second casing are folded together (see figure 1, col 6 lines 48-67).

Regarding claim 3, Kishimoto teaches an electronic apparatus wherein a front face 205 comprising a display and a keypad, wherein the display is located on one of the first casing and the second casing and the keypad is located on the other of the first casing and the second casing (see figure 1, col 6 lines 48-67).

Regarding claims 7, 9, Kishimoto teaches an electronic apparatus wherein a front face of the first facing and the second casing is formed with a through hole that is opposed to the sound emission hole in a state that the first casing and the second casing are folded together (see figure 1, col 6 lines 48-67).

Regarding claim 5, Kishimoto teaches an electronic apparatus wherein the through hole and the keypad are located on the same one of the first casing and the second casing (see figure 1, col 6 lines 48-67).

Regarding claims 6, 8, Kishimoto teaches an electronic apparatus comprising:

a first casing 202 and a second casing 204 which are foldable to each other along a bearing portion (see figure 1, col 6 lines 48-67) (see figure 2, (col 2 lines 60-67, col 3 lines 1-16);

display which is located on the first casing (see figure 1, col 6 lines 48-67);

a keypad which is located on the second casing (col 2 lines 60-67, col 3 lines 1-16);

herein a front face 205 and back face 207 of one of the first casing and the second casing are formed with respective sound emission holes that are aligned with to each other and are located nearer to the bearing portion than the display (see figure 1, col 6 lines 48-67) ; and

wherein a speaker is provide at a position corresponding to the sound emission holes (see figure 1, col 6 lines 48-67).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim 4**, is rejected under 35 U.S.C. 103(a) as being unpatentable over

Kishimoto et al. (US patent 7,016, 703) in view of Ijas et al. (US Patent 6,996,424 B2).

Regarding claim 4, Kishimoto fails to teach an electronic apparatus wherein the sound emission holes and the display are located on the same one of the first casing and the second casing. However, Ijas teaches an electronic apparatus wherein the sound emission holes and the display are located on the same one of the first casing and the second casing (col 5 lines 32-67, col 6 lines 1-20). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Ijas with Kishimoto, in order to provide a display larger unit than one display at one time, also adjacent to the stereo speakers of the device.

### ***Response to Arguments***

3. Applicant's arguments with respect to claim 4 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., any hole on the back face of the upper main body) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### **Conclusion**

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

**5. Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

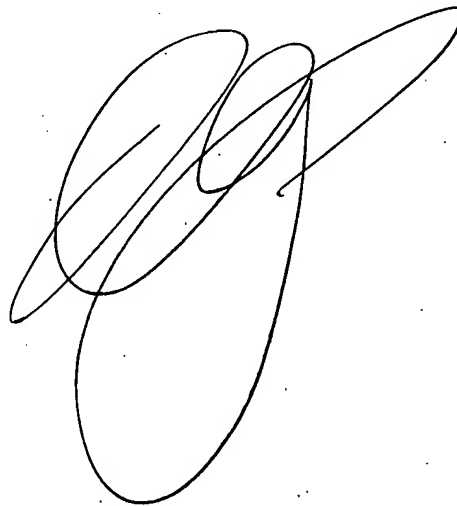
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

January 29, 2007

A handwritten signature in black ink, consisting of several overlapping loops and a long, sweeping stroke extending to the right.